IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT
HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1363 of 2004
&
W.P.No.15012 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/08/2004 in W.P.No.15012 OF 2004 on the file of the High Court.)

Between:

Sree Chemicals & Fertilizers,
Peddapuram, East Godavari District
rep. by its partner, K.Ch.Ramana Rao,
S/o Venkataramana, Aged: 63 years
R/o Peddapuram,
East Godavari District.

.....
APPELLANT

AND

1. The Agricultural officer,
   Amudalavalasa,
   Srikakulam District.

2 The Assistant Director of Agriculture,
Srikakulam Dist.

.....RESPONDENTS

Counsel for the Appellant :Mr.V.SRINIVAS

Counsel for the Respondents : Govt. Pleader for Agriculture

W.P.No.15012 of 2004

Between:

Sree Chemicals & Fertilizers,
Peddapuram, East Godavari District
rep. by its partner, K.Ch.Ramana Rao,
S/o Venkataramana, Aged: 63 years
R/o Peddapuram,
East Godavari District.

.....
PETITIONER

AND

1. The Agricultural officer,
   Amudalavalasa,
   Srikakulam District.

2 The Assistant Director of Agriculture,
  Srikakulam Dist.

.....RESPONDENTS

Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or orders, direction or directions declaring the action of the 1st respondent in seizing the stocks of fertilizers lying in the storage point at Amudalavalasa of the petitioner on the ground that the said storage point being deleted from the licence of the petitioner as illegal, arbitrary and unconstitutional and to direct the respondents not to proceed against the petitioner in pursuance to the seizure dated 10-08-2004.

Counsel for the Petitioner :Mr.V.SRINIVAS

Counsel for the Respondents : Govt. Pleader for Agriculture

The Court made the following:

JUDGMENT: (Per Hon'ble the Chief Justice)

Heard learned counsel for the parties.

Appellant – petitioner is aggrieved by the order passed by learned single Judge directing release of the seized stock under the impugned notice dated 10-08-2004 subject to appellant furnishing bank guarantee for the entire value of the seized stock to the satisfaction of the first respondent.

Appellant is wholesale dealer in fertilizers holding licence valid upto 31-03-2007. Storage points situate outside the limits of Peddapuram were deleted from the licence by proceedings dated 12-07-2004. Though the appellant has one month period from that date to obtain licence by paying additional fee, seizure was effected within one month. Even the necessity to obtain separate licence in respect of storage points is subject of another writ petition in W.P.No.13785 of 2004 filed by the Dealers' Association of which appellant is a member.

Considering the facts and circumstances, we are of the view that condition of release of the seized stock on furnishing bank guarantee for its entire value, is harsh and deserves to be modified. Learned Government Pleader for Agriculture stated that on 28-08-

2004 a notice under Section 6-A of the Essential Commodities Act, 1955 has already been issued to the appellant.

Considering the above facts and circumstances, we dispose of the appeal by modifying the order of the learned single Judge with direction to release the seized stock subject to the appellant furnishing bank guarantee for an amount equivalent to one-fourth value of the seized stock to the satisfaction of the first respondent. Proceedings initiated under Section 6-A of the said Act be expedited and disposed of by the concerned authority as expeditiously as possible and in any case, within six months from the date of receipt of this judgment. Learned counsel for the appellant states that this order may be made finally disposing of the writ petition itself.

Accordingly, we dispose of W.P.No.15012 of 2004 making the aforesaid order to be the final order in the writ petition and the writ appeal also stands disposed of.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

22-09-2004

Note: Furnish copy in one week
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To

1. The Agricultural officer,
   Amudalavalasa,
   Srikakulam District.

2 The Assistant Director of Agriculture,
  Srikakulam Dist.

3 Govt. Pleader for Agriculture, High court buildings, Hyderabad (OUT)

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